

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

JOAN FAULK OWENS, et al.,	)	
	)	
Plaintiffs,	)	
	)	
vs.	)	CIVIL ACTION NO. 2:07cv650WHA
	)	(WO)
STATE OF ALABAMA DEPARTMENT	)	
OF MENTAL HEALTH AND MENTAL	)	
RETARDATION, et al.,	)	
	)	
Defendants.	)	

**ORDER**

This case is before the court on the Plaintiffs’ Motion for Leave of Court to Amend Complaint to Conform to the Evidence (Doc. #33), and Defendants’ Motion to Supplement Exhibits to Brief on Motion for Summary Judgment (Doc. #38).

Plaintiffs do not object to the Defendants’ Motion to Supplement and, therefore, it is hereby

ORDERED that the motion is GRANTED, and Defendants are allowed to supplement their exhibits as requested.

As to Plaintiffs’ Motion for Leave to Amend Complaint, the court finds that such a motion is untimely and is due to be denied. The time for moving to amend the pleadings has long since passed under both the Report of Parties Planning Meeting filed by the attorneys and the Uniform Scheduling Order entered on October 12, 2007 effectively adopting the requested deadline. A Motion for Summary Judgment is currently pending before the court. Plaintiffs have shown no good cause why depositions could not have been taken earlier in this case and the

deadline for amending the pleadings complied with. Since the Plaintiffs say that this proposed amendment does not change the Plaintiffs' claims, but is intended merely to clarify, there is no need for an Amended Complaint. Any clarification may be included in the Plaintiffs' response to the Defendants' Motion for Summary Judgment and, if the case survives the Motion for Summary Judgment, in the pretrial order. Accordingly, it is hereby

ORDERED that the Motion for Leave of Court to Amend Complaint to Conform to the Evidence is DENIED.

DONE this 2nd day of July, 2008.

/s/ W. Harold Albritton  
W. HAROLD ALBRITTON  
SENIOR UNITED STATES DISTRICT JUDGE